

REMARKS

Claims 1-17 remain in this application. Applicants' have amended the claims to clarify the invention in response to an Examiner interview on 1 September 2005. Applicants' wish to thank the Examiner for speaking on short notice and being available to discuss the application.

In the Office Action dated 28 June 2005, Claims 1-4, 6, 7, 9, 11-15 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Alamouti, et al. (USPN 5,933,421). Claims 5, 8, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alamouti, et al. in view of Fertner, et al. (USPN 6,169,723). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Alamouti, et al. in view of the background of invention of Hunton (USPN 6,449,303).

None of the cited art, either alone or in combination, teaches or suggests the claims (as amended). Applicants' claims require "zero modulated subcarriers" and such a limitation is missing from the cited art. Because the cited art, either alone or in combination, does not teach or suggest the claimed limitation, the cited art is an improper basis for a rejection under either 35 USC 102(b) or 35 USC 103(a). Thus, the rejections should be withdrawn.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants. In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department
1303 E. Algonquin Road
Law Department
Schaumburg, IL 60196
Customer Number: 22917

By: Indira Saladi
Indira Saladi
Attorney of Record
Reg. No.: 45,759

Telephone:(847) 576-6735
Fax No.: (847) 576-0721